

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: September 16, 2003
)	
Harriet Segar)	DOCKET NO.: 03F-093
Attorney Advisor)	
District of Columbia Public Schools)	
5728 Third Place, NW)	
Washington, DC 20011)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Harriet Segar, Attorney Advisor, District of Columbia Public Schools, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Harriet Segar (hereinafter respondent), to appear at a scheduled hearing on August 19, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 18, 2003, respondent submitted an affidavit stating that she did not receive the request for information at her address of record, 5728 Third Place, NW, Washington, DC 20011. Respondent submitted a copy of an OCF envelope, postmarked June 4, 2003, which was addressed to her at 5728 Colgate Place, NW, Washington, DC 20011. Respondent further stated that she incorrectly concluded that the submissions made to the District of Columbia Public Schools satisfied the legal requirement to file

IN THE MATTER OF: Harriet Segar

Page 2

with OCF. Respondent advised she would be out of the country on the date of the hearing, August 19, 2003, and submitted the required FDS on August 18, 2003, which was hand-delivered by a colleague, Dr. Lennox Yearwood.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. On January 30, 2003, the District of Columbia Public Schools submitted to OCF respondent's address of record as 5728 Third Place, NW, Washington, DC 20011.
2. Respondent was served a non-compliance notice by OCF postmarked June 4, 2003 at 5728 Colgate Place, NW, Washington, DC 20011.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent was served a Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003 at 5728 Third Place, NW, Washington, DC 20011.
5. Respondent filed the required Financial Disclosure Statement on August 18, 2003.
6. Respondent's explanation for the filing delinquency is credible in that service of notice prior to the hearing notice was defective due to an incorrect address.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code § 1-1103.05(b)(3), and 3 DCMR §§ 3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code § 1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.

IN THE MATTER OF: Harriet Segar
Page 3

3. In accordance with D.C. Official Code § 1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.